

## Interview Details

Interview Statement – James Hurt, Jr.

2:42 pm – 3:33 pm

Inv Brown; Inv Daniel Cooper; Samuel B. Cohen, Counsel to James Hurt, Jr.

*At the time of the incident, James Hurt, Jr. was 23 years old. He is a black male, 5'11" tall, 190 to 200 pounds, with black hair and brown eyes.*

### CCRB Statement:

On July 30, 2014, James Hurt, Jr. was interviewed at the CCRB. On July 2, 2014, at an unknown time after midnight, James Hurt, Jr. left a barbeque at his friend Rudy's house on Daly Avenue (the exact address was unknown to James Hurt, Jr.) with his friend Gallo Henson. James Hurt, Jr. and Mr. Henson walked to the 174<sup>th</sup> Street 2-5 subway station located on Boston Road in the Bronx. During this walk James Hurt, Jr. did not make any stops, meet anyone else, shake hands with anyone, or exchange anything with anyone. James Hurt, Jr. was carrying an average-sized gym duffel bag with shoes, shirt, pants, and deodorant; James Hurt, Jr. did not have anything else in the bag. When they reached the train station, James Hurt, Jr. and Mr. Henson shook hands and Mr. Henson went up the stairs and into the station. James Hurt, Jr. and Mr. Henson did not exchange anything. James Hurt, Jr. hailed a taxi on the street, a black Lincoln sedan pulled over, and James Hurt, Jr. got into the passenger's side back seat.

James Hurt, Jr. instructed the taxi driver, CIV1, described only as a dark-skinned male with a bald head, to take him to his girlfriend Ashley Lopez's apartment, which is located in the Stevenson Commons housing complex. James Hurt, Jr. did not have an address for the apartment complex, though he said that it is near the Bruckner Expressway. James Hurt, Jr. then started using the FaceTime application on his telephone in order to call Ms. Lopez. FaceTime allows for the user to make a video telephone call. Approximately three minutes later, CIV1 pulled the taxi over to the right side of the road and James Hurt, Jr. looked up from his cell phone. James Hurt, Jr. noticed that there were flashing red lights shining into the vehicle and he realized for the first time that the taxi had been pulled over by the police. The taxi was stopped in front of a laundromat (that is not too far from the 174<sup>th</sup> Street 2-5 subway station) and on a road that was about to go over a highway on an elevated bridge. Beyond this description of the location (including whether there was a sidewalk next to the vehicle or if the area was a commercial area), James Hurt, Jr. could not provide any more information about where the taxi was pulled over because he had been using FaceTime and had not been paying attention to where the taxi was driving. There were some streetlights in the area, though James Hurt, Jr. did not know how many.

James Hurt, Jr. turned around and saw that the taxi had been pulled over by a light-colored (white or cream or "in that family"), unmarked sedan with flashing red lights set into its dashboard. Two plainclothes officers, PO1, described as a white male, 6'0" tall, over 200 pounds, with a husky build, a salt-and-pepper beard, wearing a gold badge on a chain around his neck and a button-down shirt, and PO2, described as a white male, 5'10" tall, 190 pounds, wearing a button-down shirt and in shape, exited the police vehicle. PO1 approached the driver's side of the taxi and PO2 approached the passenger's side of the taxi. James Hurt, Jr. was holding his cell phone in front of his body when PO2 approached.

PO2 asked James Hurt, Jr. who he was talking to on the phone and James Hurt, Jr. said that it was his girlfriend. At the same time, PO1 asked CIV1 the address of James Hurt, Jr.'s destination and CIV1 provided PO1 the address. PO2 then asked James Hurt, Jr. where he was going and James Hurt, Jr. told that he was going to Ms. Lopez's apartment. PO2 instructed James Hurt, Jr. to hang up his phone and James Hurt, Jr. complied and placed the phone in either his front left or front right pocket. PO2 asked James Hurt, Jr. if his phone was off and when James Hurt, Jr. said that it was, PO2 asked if James Hurt, Jr. was sure. James Hurt, Jr. said that he was sure and then PO2 opened the passenger's side rear door and instructed James Hurt, Jr. to step out of the car once. James Hurt, Jr. complied and as soon as he was outside of the taxi, PO2 reached towards James Hurt, Jr.'s waist and James Hurt, Jr. said, "I don't condone any searches." PO2 told James Hurt, Jr. that he was the tenth person that he had stopped and that he was looking for concealed weapons. PO2 asked James Hurt, Jr. if he had any weapons on him and James Hurt, Jr. said that he did not. James Hurt, Jr. was calm as he spoke with PO2.

James Hurt, Jr. was wearing sneakers, a short-sleeved shirt, and cargo shorts with two front pockets, two rear pockets, and one pocket lower down on each leg of the shorts in the traditional cargo-short style. James Hurt, Jr. had five keys on a key ring in his back right pocket and nothing in his back left pocket. James Hurt, Jr. had two wallets: one with his credit cards and cash and the other with his identification and a son-of-a-Department-of-Correction-Officer mini-shield. This shield is significantly smaller than

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a real shield, and it denotes that its carrier is a family member of a Department of Correction officer. The wallet with his identification was in his front right pocket and the wallet with his cash was in his front left. James Hurt, Jr. did not recall which of his two front pant pockets had his cell phone. Both of the cargo pockets on the legs of the shorts were empty. PO2 then frisked around James Hurt, Jr.'s waist and ran his hands up James Hurt, Jr.'s torso to his armpits. James Hurt, Jr. did not recall the order of the next sequence of events, but PO2 touched the exterior of his pants pockets and then placed his hands inside of each of his pants pockets, though PO2 did not take anything out of his pockets. PO2 did not say anything James Hurt, Jr. as he performed these frisks and searches and James Hurt, Jr. did not say anything to PO2. PO1 was standing next to the front driver's side of the taxi while these frisks and searches happened, though he was not speaking with CIV1. There were no pedestrians on the street at the time of the frisks and the searches.

PO2 instructed James Hurt, Jr. to go to the back of the taxi and face away from the taxi and towards the police vehicle. James Hurt, Jr. complied and once he was at the back of the taxi, he asked PO2 what they were looking for and said that his father, James Hurt, Sr., was an officer. James Hurt, Jr. removed the wallet that contained the son-of-a-CO shield. PO2 told James Hurt, Jr. to put his shield away because he did not want to see it. James Hurt, Jr. placed the shield wallet back into his pocket. James Hurt, Jr. then heard that PO1 had opened the rear driver's side door. James Hurt, Jr. turned around and PO1 lean into the backseat and unzip his duffel bag, which was sitting in the middle of the backseat. PO1 started searching through the duffel bag.

James Hurt, Jr. asked again what the officers were looking for and PO2 placed his forearm against James Hurt, Jr.'s chest, which forced his body up against the taxi's trunk. James Hurt, Jr. did not know why PO2 placed his forearm against him nor did he know which arm PO2 placed against his chest. PO1 exited the vehicle, asked James Hurt, Jr. what he was doing and James Hurt, Jr. said, "I'm not going anywhere." PO1's question was the last thing either officer said to James Hurt, Jr. PO1 walked towards James Hurt, Jr., and pushed James Hurt, Jr. on his right shoulder which forced him forward, face down onto the hood of the police vehicle. James Hurt, Jr. did not know where his hands were at this time. James Hurt, Jr. fell off of the hood to his right and onto the ground. James Hurt, Jr. did not know which part of his body hit the ground first, but he ended up face-down on the ground. Once James Hurt, Jr. was on the ground, PO2 pulled his left arm behind his back and James Hurt, Jr. heard a pop in his left shoulder. This caused some kind of injury (James Hurt, Jr. did not know exactly what) that now requires surgery. James Hurt, Jr. immediately got up and when he was almost fully standing again, PO1 punched him three times in the mouth from behind. James Hurt, Jr. was not struggling against PO2's grip on his arm when PO1 punched him. James Hurt, Jr. began bleeding from the mouth. James Hurt, Jr. pulled his arm free from PO2 (he did not punch or strike either officer) and started running in the opposite direction from the bridge down the middle of the street and made the first right hand turn onto a street whose name he did not know. James Hurt, Jr. did not know if there were any commercial establishments, houses, or apartment buildings at this intersection. At no time did the officers begin to handcuff James Hurt, Jr.

Soon after James Hurt, Jr. started running, he heard the squeal of tires-on-blacktop behind him. After James Hurt, Jr. made the right-hand turn, he ran along the nearside sidewalk of this unknown street. James Hurt, Jr. did not know if there were parked cars lining this street, separating the sidewalk from the road. Near the end of this block, the police vehicle caught up with him and it swerved several times towards the sidewalk in an attempt to hit James Hurt, Jr. On the portion of the block where the police vehicle started to swerve to hit him there were no parked vehicles separating the sidewalk from the street. Eventually, the police vehicle jumped the curb during one of these swerves and the front passenger's side headlight of the police vehicle hit James Hurt, Jr. in the left leg and he fell into a chain-link fence that was lining the sidewalk. James Hurt, Jr. could not estimate how far onto the sidewalk the police swerved when it hit him. James Hurt, Jr. lacerated his right middle finger on the fence. James Hurt, Jr. jumped over this fence (which was taller than he is and did not have any barbed wire on top) and found himself on a grassy embankment that descends downhill to a highway. James Hurt, Jr. ran down the embankment (James Hurt, Jr. could not estimate the length of this embankment, though it is less than 100 yards) and made a turn onto the highway. James Hurt, Jr. did not cross the highway and walked along it for a period of time and for a distance that he could not estimate. Eventually, James Hurt, Jr. stepped into an alleyway between two buildings. James Hurt, Jr. did not see how many officers were in the vehicle as it chased him and no one inside the vehicle issued him any instructions as he ran. James Hurt, Jr. could not estimate how much time had passed from the time that the officers pulled over the taxi to the time that he jumped the fence.

James Hurt, Jr. stayed in this alleyway for several hours until morning. In the morning, James Hurt, Jr. left the alleyway, asked a stranger for her phone so that he could call his mother Jackie Marquez; James Hurt, Jr.'s cell phone had run out of battery overnight. Ms. Marquez and James Hurt, Sr. came to the location and picked up James Hurt, Jr. Ms. Marquez and James Hurt, Sr. then drove James Hurt, Jr. to St. John's Riverside Hospital where he was treated for cuts to his knees, his forearm from his elbow

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to his wrist, his abdomen, his finger, and for the pain in his shoulder. James Hurt, Jr. did not know at what point in the incident he cut his knees, his forearm or his abdomen.

James Hurt, Jr. was referred to Island Musculoskeletal care for an MRI and on July 8 and July 11, 2014, James Hurt, Jr. went to Island Musculoskeletal care for further tests and treatment.

As far as James Hurt, Jr. knows, there are no warrants out for his arrest.